IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____

:

v. : DATE FILED: _____

NELKIS GUTIERREZ-GAINZA PEDRO CURIEL : VIOLATIONS:

21 U.S.C. § 841(a)(1) (distribution of 5 kilograms or more of cocaine - 1 count)

21 U.S.C. § 841(a)(1) (possession with intent to distribute 5 kilograms or more

of cocaine - 1 count)

: 18 U.S.C. § 2 (aiding and abetting)

Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about July 27, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

NELKIS GUTIERREZ-GAINZA

knowingly and intentionally distributed, and aided and abetted the distribution of, 5 kilograms or more, that is, approximately 9 kilograms, of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 27, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

PEDRO CURIEL

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute, of 5 kilograms or more, that is, approximately 9 kilograms, of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendants

NELKIS GUTIERREZ-GAINZA and PEDRO CURIEL

shall forfeit to the United States of America:

- (a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not be limited to one 1999 Freightliner tractor, VIN 1FUYSSEB1XP962367, California License Plate, UP59130, registered owner: NELKIS GUTIERREZ-GAINZA, seized from the Walt Whitman truck stop on Lawrence Street, Philadelphia Pennsylvania on July 27, 2005;
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses.
- 2. If any of the property, subject to forfeiture, as a result of any act or omission of the defendants:
 - (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with a third person;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

	A TRUE BILL:	
	FOREPERSON	
PATRICK L. MEEHAN		
United States Attorney		